

# **EXHIBIT V**

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

**CERTIFIED COPY**

DIVERSI-PLAST PRODUCTS, INC., a )  
Minnesota Corporation, )

Plaintiff, )

) Case No.

) 2:04CV01005 PGC

v. )

BATTENS PLUS, INC., a California )  
Corporation, )

Defendant. )

) CONFIDENTIAL

) ATTORNEYS' EYES ONLY

BATTENS PLUS, INC., a California )  
Corporation, )

Counterclaimant, )

v. )

DIVERSI-PLAST PRODUCTS, INC., a )  
Minnesota Corporation, )

Counter-Defendant. )

DEPOSITION OF

GARY URBANSKI

MINNEAPOLIS, MINNESOTA

THURSDAY, NOVEMBER 17, 2005

ATKINSON-BAKER, INC.  
COURT REPORTERS  
(800) 288-3376  
www.depo.com

REPORTED BY: ROLLIE M. TROUP, COURT REPORTER

FILE NO.: 9F09A74

1 product?

2 A No, internally at Diversi-Plast.

3 Q First of all, who created this presentation?

4 A I did.

5 Q You used it as a steppingstone for discussions?

6 A Yes.

7 Q Was this used at meetings?

8 A A meeting.

9 Q Who was present at that meeting?

10 A I'm not going to recall all that were there. I  
11 know there was myself, Dan Jacobson and Jeff  
12 Morris.

13 Q I'm going to go to the page Bates labeled DP 626.

14 MR. MACARI: I'm sorry, 626?

15 BY MR. WILCOX:

16 Q 626 on Exhibit Number 6.

17 A Okay.

18 Q And this page contains the title Trimline Batten  
19 History; is that correct?

20 A Correct.

21 Q And it says, "Started with and Idea Using Soffit  
22 Vent."

23 Can you explain what that statement means?

24 MR. MACARI: Objection, vague.

25 THE WITNESS: We have a product that we

1 use in soffit ventilation that initiated some  
2 thought along the line of being perhaps an idea  
3 that might have some attributes that could be  
4 used in creating a batten.

5 BY MR. WILCOX:

6 Q What is soffit ventilation?

7 A Soffit ventilation is a product that is used in  
8 the eave or soffit of a home to provide intake of  
9 air into the attic as part of the ventilation  
10 system.

11 Q Who thought of using a soffit ventilation  
12 structure to create a batten?

13 A That would have been Boulder Creek Sales.

14 Q What is Boulder Creek Sales?

15 A They are a distributor slash manufacturer's  
16 representative company.

17 Q Who at Boulder Creek Sales would have originated  
18 this idea?

19 A Lars Walberg, W-A-L-B-E-R-G.

20 Q When would this have occurred?

21 A In, I believe, middle to the end of 1997.

22 Q Is there any letter or document that refers to  
23 this idea?

24 A There is a mention of it in one of the documents  
25 we disclosed, yes.

NOTARY-REPORTER'S CERTIFICATE

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF HENNEPIN

BE IT KNOWN that I, Rollie M. Troup, took the foregoing deposition of GARY URBANSKI;

That I was then and there a Notary Public in and for the county of Hennepin and state of Minnesota;

That by virtue thereof I was then and there authorized to administer an oath;

That the witness, before testifying was by me first duly sworn to testify to the truth, the whole truth and nothing but the truth relative to said cause;

That the testimony of said witness was recorded in stenotype by me and was reduced to typewriting by me;

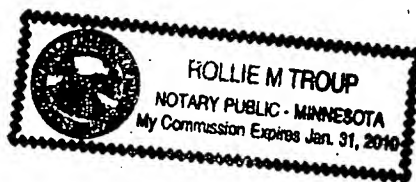
That the foregoing deposition is a true record of the testimony given by said witness;

That the right of reading and signing of the foregoing deposition by the said witness was exercised;

That the cost of the original has been charged to the party who noticed the deposition, and that all parties who ordered copies have been charged at the same rate for such copies; and

That I am not an employee of any of the parties hereto, nor interested in the outcome of the action.

WITNESS MY HAND AND SEAL this 28th day of November, 2005.



*Rollie M. Troup*  
Rollie M. Troup  
Notary Public  
Hennepin County, Minnesota  
My Commission Expires  
1/31/2010